

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENTDocket Number(s): 13-2796

Caption [use short title]

Motion for: Voluntary DismissalUnited States of America v. Frederick Cilins

Set forth below precise, complete statement of relief sought:

Defendant respectfully requests this court voluntarily
dismiss this appeal.

MOVING PARTY: Frederick CilinsOPPOSING PARTY: United States☐ Plaintiff☒ Defendant☐ Appellant/Petitioner☐ Appellee/RespondentMOVING ATTORNEY: Michelle P. SmithOPPOSING ATTORNEY: Elisha Kobre

[name of attorney, with firm, address, phone number and e-mail]

Law Offices of Michelle P. Smith, P.A.United States Department of Justice827 Menendez CourtUnited States Attorney / Southern District of New YorkP.O. Box 1788The Silvio M. Mollo Building/One Saint Andrews PlazaOrlando, Florida 32802-1788New York, New York, 10007Court-Judge/Agency appealed from: United States District Court Southern District of New York/Honorable Judge William

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?

☐ Yes☒ No

Has this relief been previously sought in this Court?

☐ Yes☒ NoRequested return date and explanation of emergency: N/A

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know

Is oral argument on motion requested?

☐ Yes☒ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes☒ No

If yes, enter date:

Signature of Moving Attorney:

Date: August 6, 2013Service by: ☐ CM/ECF☒ Other [Attach proof of service]**ORDER****IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.****FOR THE COURT:**

CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____

By: _____

IN THE UNITED STATES COURT OF APPEAL
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

v.

Case No. 13-2796

FREDERICK CILINS,

Appellant.

UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, appellant Frederick Cilins moves this Court to dismiss this appeal. In support of this motion, Mr. Cilins provides the Court the following facts and information:

1. Although Mr. Cilins respectfully disagrees with the District Court's finding of facts and conclusions of law, Mr. Cilins desires to dismiss the appeal to focus on his upcoming trial.
2. Assistant United States Attorney Elisha Kobre does not oppose this motion or the relief requested herein.
3. The motion is being filed in good faith.
4. Mr. Cilins is being detained pending trial.

WHEREFORE, Mr. Cilins respectfully asks this Court to dismiss this appeal.

Respectfully submitted,

/s/ Michelle P. Smith 

Michelle P. Smith

Florida Bar # 0389392

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Attorney for Appellant Frederic Cilins

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 6, 2013, undersigned filed the foregoing *Defendant's Motion for Unopposed Voluntary Dismissal* with the Clerk of Court by U.S. Mail and Email at appeals@nysd.uscourts.gov, as well as by using the CM/ECF system which will send a notice of electronic filing and copy to the following: Elisha Kobre, Stephen Spiegelhalter, Bruce Lehr, Michael Levy and Sherleen Mendez.

I FURTHER HEREBY CERTIFY that on August 6, 2013, undersigned served the following persons a copy by email: Elisha Kobre, Stephen Spiegelhalter, Bruce Lehr, Michael Levy and Sherleen Mendez.

/s/ Michelle P. Smith 

Co-counsel for Frederic Cilins